

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

JENNIFER LEE, §
§
§
Plaintiff, § CIVIL ACTION NO. 6:17-CV-00019-RC
§
§
v. §
§
CHRISTUS TRINITY MOTHER §
FRANCES HEALTH SYSTEM, §
TRINCARE, INC., ROBERT JEHLING, §

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Magistrate Judge issued a Report and Recommendation recommending that Defendant Robert Jehling's ("Defendant" or "Jehling") Motion to Dismiss (Docket No. 11) be granted. (Docket No. 18.) Plaintiff has filed objections to the Magistrate Judge's Report and Recommendation (Docket No. 19), to which Defendant has filed a response (Docket No. 20). The Court reviews *de novo* the portions of the Magistrate Judge's findings to which Defendant has raised objections. 28 U.S.C. § 636 (b)(1).

In her objections, Plaintiff agrees to amend her complaint to alleviate any ambiguity regarding her Title VII claims. (Docket No. 19, at 2.) Plaintiff, however, objects to the Magistrate Judge's finding that her pleadings were insufficiently pled as to her claim for Intentional Infliction of Emotional Distress ("IIED"). *Id.*

Specifically, Plaintiff contends that the Magistrate Judge's Report and Recommendation ignores the entire factual section that Plaintiff contends supports her claim for IIED. *Id.*

However, in the Report and Recommendation, the Magistrate Judge specifically detailed all of the factual allegations set forth in Plaintiff's complaint. *See* Docket No. 18, at 1–2 (detailing the factual allegations set forth in paragraphs 9–15 of Plaintiff's complaint). Considering the totality of these allegations, the Magistrate Judge found that Plaintiff has not alleged sufficient facts to infer that, if taking her statements as true, the conduct was extreme and outrageous. *Id.* at 6. The Court has reviewed these allegations and similarly finds them insufficient to allege a claim for IIED against Jehling. Specifically, it is unclear from the pleadings which conduct of Jehling's Plaintiff maintains supports her IIED claim and whether that conduct, if sufficiently alleged, would amount to extreme and outrageous conduct under the law. However, given that Plaintiff has attempted to clarify her allegations in her objections and has requested leave to replead with more factual specificity, the Court will grant Plaintiff leave to replead these allegations.

Therefore, the Court adopts the Report and Recommendation of the United States Magistrate Judge as the Order of this Court. All objections are **OVERRULED**. Defendant's Motion to Dismiss (Doc. No. 11) is **GRANTED**. Plaintiff's Title VII claim against Defendant Jehling is **DISMISSED**. Plaintiff is **GRANTED** leave to amend her complaint with respect to her IIED claim against Defendant Jehling. Within **14 days** of the issuance of this Order, Plaintiff shall amend her complaint in accordance with the admonitions of the Report and Recommendation and this Order.

So ORDERED and SIGNED this 3rd day of May, 2017.



Ron Clark, United States District Judge